IN THE HIGH COURT OF JUDICATUE AT BOMBAY
NAGPUR BENCH, NAGPUR.
Criminal Application No. 3703/2007
Marotrao Naryanrao Pragat and another..vs.. State of Maharashtra

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Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Courts or Judge's Orders.

CORAM : S. R. Dongaonkar, J.
Dated : 11th January, 2008

Heard Mr.Gadling learned counsel for the applicants and Mr.Yengal, learned A. P. P. for respondent-State.

This is an application under Section 439 of the Criminal Procedure Code for grant of bail.

The applicants alongwith other co- accused have been arrested for the offence punishable under Section 302 of IPC r/w Section 34 of IPC in Crime No. 90/2007 of Police Station, Butibori.

The allegations against the applicants are that they caught hold the deceased and other co-accused i.e. daughter of applicants had poured kerosene on the person and set her on fire.

Nodoubt, the allegations are

serious, but the fact remains that the applicants are old aged persons and it has been brought to my notice that the offence was registered by the police quite late though according to the prosecution, the statement of deceased implicating accused was recorded on 18/5/2007 at 10.00 p.m. The reason for late recording of offence is stated to be only receipt of dying declaration by the deceased. However, why the offence was not registered on 18/5/2007 when the statement of deceased was recorded by the A.S.I., is a mystery.

In the circumstances of the case, bail can not be denied to the applicants.

Each of applicant be released on bail furnishing surety and P. R. Bond of Rs. 15,000/-.

Bail in trial Court.

It is made clear that above observations are in prima facie view of the matter, they shall not influence learned Trial Judge while deciding the matter on merits.

The application stands disposed of.

JUDGE

JSA.